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July 11, 2024

Via ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

HC2's request is GRANTED. The Clerk of Court is respectfully directed to strike Dkt. No. 184 from the docket.

Mr. Delaney is reminded that, if he wishes to be heard in this case, he must file a motion to intervene and satisfy the standards for intervention.

DATE: July 11, 2024

***Re: HC2, Inc. v. Gregory Messer
Civil Action No. 1:20-cv-03178-LJL***

SO ORDERED.

LEWIS J. LIMAN
United States District Judge

Dear Judge Liman:

This firm represents Plaintiff HC2, Inc. ("HC2") in the above captioned matter. HC2 respectfully requests that nonparty Andrew Delaney's ("Delaney") Motion to Vacate Document Nos. 126, 141, 144, 164, [D.E. 184] be stricken from the docket.

By Order dated November 9, 2021, Your Honor granted HC2's motion to substitute the Chapter 7 Trustee, Gregory Messer, in place of Defendant Delaney. [D.E. 134]. Mr. Messer is the operative Defendant in this action. *Id.* Thereafter, on January 6, 2022, Your Honor entered an Order informing nonparty Delaney that non-parties are not permitted to file documents in this case unless they have been granted permission to intervene under Rule 24 of the Federal Rules of Civil Procedure. [D.E. 165]. The January 6, 2022 Order further directs the Clerk of Court to strike any filings of nonparties who have not been granted permission to file documents in this case. *Id.*

Delaney has not sought nor has he been granted permission to intervene in this proceeding under Rule 24 and therefore is not permitted to file any documents in this case. Accordingly, HC2 respectfully requests that nonparty Delaney's Motion to Vacate [D.E. 184] be stricken from the docket.

If, however, the Court is inclined to hear nonparty Delaney's Motion to Vacate, HC2 respectfully requests additional time to formally oppose Delaney's motion.

We thank the Court for its consideration of this request.

Respectfully Submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

s/Jocelyn A. Merced

Jocelyn A. Merced

JAM/ss